



Committee on  
**HOMELAND SECURITY**  
Chairman Michael McCaul

**Opening Statement**

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**Statement of Subcommittee Chairman Patrick Meehan  
Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies**

**Markup of: HR 4007, the Chemical Facility Anti-Terrorism Standards Program Authorization  
and Accountability Act of 2014**

Today, we continue our subcommittee's efforts to provide a sound plan and clear objectives for the Department of Homeland Security's (DHS) Chemical Facility Anti-Terrorism Standards (CFATS).

CFATS was created by the Department of Homeland Security after Congress, in 2007, authorized the Department to develop a set of vulnerability assessment standards for chemical plants – and to implement a corresponding set of regulations that will protect the highest risk facilities from a physical attack.

Prior to the attacks on 9/11, Congress had established an array of laws aimed at preventing environmental disasters at facilities that produce or store potentially dangerous chemicals. While those laws remain, Congress and the Department of Homeland Security developed CFATS specifically to prevent an intentional attack on chemical facilities.

In 2002, an investigative reporter for the Pittsburgh Tribune-Review began an investigation into our nation's chemical facilities, after reading detail of Mohammed Atta's surveillance of a Tennessee chemical facility in early 2001. The facility studied by the 9/11 hijacker contained enough sulfur dioxide to kill roughly 60,000 nearby residents. The risks discovered by the reporter were brought to national attention after 60 Minutes and PBS ran several segments highlighting the grave concern of security at chemical facilities.

The program uses risk-based performance standards in order to provide individual facilities the flexibility to address their unique security challenges. Importantly, the Department developed a tiering structure that permits CFATS to focus their resources on the higher-risk facilities. Partnering with industry, CFATS requires the covered chemical facilities to prepare Security Vulnerability Assessments, and develop and implement Site Security Plans based on those assessments.

Despite, what we would all agree are the best of intentions, it is no secret that CFATS has struggled throughout its seven-year history. From implementation problems, to management flaws, to insufficient

feedback from facilities – highlighted in the aftermath of West, Texas – CFATS has had a rocky start. However, let's be mindful that mismanagement is not synonymous with policy failure.

Our goal was to identify both the major problems with the program, and the progress made by DHS to correct them. This assessment has given us the ability to craft a set of benchmarks that are complementary to the President's Executive Order 13650, which he released after the West explosion.

For the past four years, CFATS has relied on appropriations, with no official guidance or authorizing statute from Congress. Past attempts to reauthorize the program have failed due to either overly-ambitious proposals or sweeping overhauls that expand the scope of its intent. Let's first fix the program before we debate granting greater responsibility.

Our subcommittee has taken a modest, practical approach to reauthorization. We have determined that:

- the site security plan approval process needs greater efficiency;
- The compliance process is greatly in need of better coordination;
- Implementing a sensible and effective methodology in assessing risk will help DHS better communicate with state and local officials, as well as other Federal agencies and industry associations to identify facilities;
- CFATS must remain on probation until the program proves its effectiveness. Therefore, the Government Accountability Office should continue to assess the program and report to Congress its findings on a biannual basis.

The resulting legislation, H.R. 4007 does all of those things, and therefore enjoys the support from a wide array of stakeholders. Republicans and Democrats have voiced their support of this bill. We worked with the House Energy and Commerce Committee, and the Senate Homeland Security and Government Affairs Committee to produce legislation that puts the security of Americans above politics and jurisdictional battles. This bill has support from the House, the Senate, Secretary Jeh Johnson, and a number of industry stakeholders including: the US Chamber of Commerce, the American Farm Bureau Federation, the Agricultural Retailers Association, the Council of Producers and Distributors of Agrotechnology, CropLife America, the Fertilizer Institute, the National Agricultural Aviation Association, and the National Council of Farmer Cooperatives.

I would specifically like to thank Joan O'Hara, Alex Manning, and Erik Peterson for their hard work and tireless efforts to ensure that the views of the regulated community, and the Administration were properly reflected and implemented in a realistic and achievable way with strict goals, that will lift this program from stagnation to success.

I am proud of this legislation, and its bipartisan support. And I urge my colleagues on both sides of the aisle to pass HR 4007 onto the full committee, so we can ensure that the proper measures are in place to secure our communities from the devastating potential of a terrorist attack.

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